IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.224 OF 2006

Harpreet Kaur Jaspreet Singh Mallik ...Petitioner
Vs.
The State of Maharashtra ...Respondents

Mr. S.K. Chaursia for the Petitioner
Mrs. S.D.Shinde, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 9TH OCTOBER, 2006

P.C.

1. Heard.

2. The Petition can be disposed of at the stage of admission itself. The Petitioner has approached this Court for seeking a direction that the Court should quash the order of transfer or original C.R.No.00/2005 which has been registered on her complaint against the Respondents for having committed offence under Section 498 A, 323, 34 of the Indian Penal Code on being transferred. The Respondents/Police Station transferred the case to Hari Nagar Police Station at New Delhi probably for the reasons that the cause of action arose.

3. It is the case of the Petitioner that she is residing in Mulund (West), Mumbai within the jurisdiction of the Respondent and that the complaint was lodged at Mulund Police Station against her in-laws and therefore, while transferring the case the complainant has been put to undue harassment.

4. It is now a settled proposition that the complaint under Section 498 A of IPC can be registered at the place where the victim is residing and therefore, in the circumstances we are of the view that the case can be very well transferred.

5. We are informed by the learned A.P.P after seeking instructions from the concerned Officer from Mulund Police Station that Hari Nagar Police Station at New Delhi has already filed a charge-sheet after completing investigation bearing Criminal Case No. 733 of 2005 at New Delhi before the Competent Authority.

6. In view of the fact that the complainant is resident of Mulund (West), Mumbai and has lodged a complaint with Mulund Police Station, Mulund. We direct that the Criminal Case No.733 of 2005 pending in the Court at New Delhi on the basis of the complaint lodged by the Petitioner which was

investigated by Hari Nagar Police Station at New Delhi stands transferred to the Court of Chief Metropolitan Magistrate, 27th Court, at Mulund.

7. The Respondents/ State is directed to communicate this order to the learned Magistrate at New Delhi in whose Court the said Criminal Case arising out of Crime No.733 of 2005 is pending. The Petition stands disposed of accordingly.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)